

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

EARL INGELS, : NO. 1:00-cv-01003  
Petitioner, :  
vs. : ORDER  
WANZA JACKSON, Warden, :  
Respondent. :  
:

In its June 24, 2004 Order, the Court denied Petitioner's Petition for Writ of Habeas Corpus, declined to issue a certificate of appealability with respect to any ground in the petition, and certified that any application to appeal in forma pauperis would be denied (doc. 20). The Court's Orders of September 26, 2006 and January 23, 2007 further denied Petitioner's Motion for Rule 60 Relief from Judgment, but did not repeat its prior determination to decline the issuance of a certificate of appealability and to certify that any application to appeal in forma pauperis would be denied (docs. 24, 27). The petitioner has subsequently filed a Notice of Appeal to the United States Court of Appeals for the Sixth Circuit (docs. 29, 31).

For the sake of clarity on the docket sheet, and at the request of the United States Court of Appeals for the Sixth Circuit, the Court reiterates the following: The Court DECLINES to issue a certificate of appealability with respect to the dismissal

on procedural default grounds of Petitioner's claims because "jurists of reason would not find it debatable whether this Court is correct in its procedural ruling" as required under the first prong of the two part standard enunciated in Slack v. McDaniel, 529 U.S. 473, 484-85 (2000), which is applicable to procedurally-barred claims. Petitioner has not shown that reasonable jurists could debate whether these claims should have been resolved in a different manner or that the issues presented were "adequate to deserve encouragement to proceed further." With respect to any application by Petitioner for in forma pauperis status for the purposes of pursuing an appeal, the Court certifies that pursuant to 28 U.S.C. § 1915(a), an appeal would not be taken in "good faith," and therefore, DENIES Petitioner leave to proceed on appeal in forma pauperis. Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

SO ORDERED.

Dated: March 6, 2007

s/S. Arthur Spiegel \_\_\_\_\_

S. Arthur Spiegel  
United States Senior District Judge